

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# **HOUSE BILL 2245**

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-365; RELATING TO PAYMENT OF WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Subject to the requirements of article IV, part 1, section  
3 1, Constitution of Arizona, title 23, chapter 2, article 8, Arizona Revised  
4 Statutes, is amended by adding section 23-365, to read:

5       23-365. Reliance on administrative rule or regulation

6       IN ANY ACTION OR PROCEEDING COMMENCED ON OR AFTER JANUARY 1, 2007, AN  
7 EMPLOYER OR OTHER ENTITY IS NOT LIABLE IF THE EMPLOYER OR ENTITY FAILS TO PAY  
8 THE MINIMUM WAGE IF THE EMPLOYER OR ENTITY PROVES THAT THE ACT OR OMISSION  
9 WAS IN GOOD FAITH, CONFORMED WITH AND RELIED ON AN ADMINISTRATIVE REGULATION,  
10 ORDER, RULING, APPROVAL OR INTERPRETATION, ADMINISTRATIVE PRACTICE OR  
11 ENFORCEMENT POLICY ISSUED BY THE COMMISSION PURSUANT TO AND IN ACCORDANCE  
12 WITH THE COMMISSION'S AUTHORITY UNDER THIS ARTICLE. THIS DEFENSE, IF  
13 ESTABLISHED, BARS THE ACTION OR PROCEEDING, NOTWITHSTANDING THAT AFTER THE  
14 ACT OR OMISSION, THE ADMINISTRATIVE REGULATION, ORDER, RULING, APPROVAL,  
15 INTERPRETATION, PRACTICE OR ENFORCEMENT POLICY IS MODIFIED OR RESCINDED OR IS  
16 DETERMINED BY JUDICIAL AUTHORITY TO BE INVALID.

17       Sec. 2. Requirements for enactment; three-fourths vote

18 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
19 section 23-365, Arizona Revised Statutes, as added by this act is effective  
20 only on the affirmative vote of at least three-fourths of the members of each  
21 house of the legislature.

22       Sec. 3. Emergency

23 This act is an emergency measure that is necessary to preserve the  
24 public peace, health or safety and is operative immediately as provided by  
25 law.